

April 8, 2009

**Public Notice for Water Quality Certification and/or Waste
Discharge Requirements (Dredge/Fill Projects)**

Fleming Residence - Culvert Installation and Culvert Removal, Unnamed Tributary to
Slater Creek

WDID No. 1B08163WNHU

Humboldt County

On November 6, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from John Fleming (applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for activities associated with installation of a new culvert and associated outlet protection. The proposed project will cause disturbances to waters of the United States associated with an unnamed tributary to Slater Creek in the Lower Eel River Hydrologic Area No. 111.10.

The proposed project is located on the north side of Monument Road approximately one mile west of Rio Dell. The proposed project involves installation of a new 48-inch diameter and 46.5-foot long culvert on an unnamed tributary to Slater Creek for the purpose of providing access to a residential building site. The proposed project includes installation of a geotextile fabric-lined rock energy dissipater that will extend 29.3 linear feet downstream from the outlet of the new culvert. The proposed project originally included resurfacing an existing access road where it crosses a deteriorated 48-inch diameter culvert that is located a short distance upstream of the proposed new culvert. However, in response to agency input during the permit application and review process, the proposed project was revised to include removal of the existing culvert to restore the currently filled section of stream channel.

The new culvert will result in 93 linear feet of permanent impacts to the stream banks and 186 square feet of permanent impacts to the stream channel. The proposed rock energy dissipater will permanently impact 420 square feet and 29.3 linear feet of stream channel. The proposed project will not result in any temporary impacts to the stream channel. Compensatory mitigation for the proposed project includes decommissioning the existing stream crossing located upstream of the proposed new culvert. Noncompensatory mitigation includes the use of Best Management Practices for sediment and turbidity control and for operation of heavy equipment near a stream channel.

The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit, pursuant to Clean Water Act, section 404. The Applicant has obtained a Lake or Streambed Alteration Agreement from the California Department of Fish and Game. The County of Humboldt has prepared a mitigated negative declaration (SCH No. 2008032092) for the proposed project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.

The information contained in this public notice is only a summary of the applicant's proposed activities. The application for Water Quality Certification in the Regional Water Board's file contains additional details about the proposed project including maps and design drawings. The application and Regional Water Board file are available for public review.

Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.